

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,

Defendants.

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69cv07941 BB-ACB-SANTA FE

RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla

Subfile No(s).

CHTA-003-0028

CHTA-003-0029

CHTA-003-0039B

CHTA-004-0015

**ORDER GRANTING DEFAULT JUDGMENT**

This matter is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's May 25, 2005 Motion for Default Judgment (Docket No. 7902) in the Rito de Tierra Amarilla subsection of the Rio Chama Stream System. The Court, being fully advised, finds that the State's motion is well taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.

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4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 7, Rito de Tierra Amarilla (January 12, 2001) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

TONY MARTINEZ

**Subfile No.: CHTA-003-0028**

**A. NO RIGHT (Surface Water Only)**

**Office of the State Engineer Files No(s)** 0430

**Priority:** NONE

**Source of Water:** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** TIERRA AMARILLA COMMUNITY DITCH

**Location:** X= 1,557,188 feet Y= 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Within the Tierra Amarilla Grant	0.2 acres
Total	0.2 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 3.

**Amount of Water:** NONE

RAMONA QUINTANA

Subfile No.: CHTA-003-0029

A. **NO RIGHT (Surface Water Only)**

**Office of the State Engineer Files No(s)** 0430

**Priority:** NONE

**Source of Water:** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** TIERRA AMARILLA COMMUNITY DITCH

**Location:** X= 1,557,188 feet Y= 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Within the Tierra Amarilla Grant	0.8 acres
Total	0.8 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 3.

**Amount of Water:** NONE

ANDREW ARAGON  
DORA L. ARAGON

**Subfile No.: CHTA-003-0039B**

**A. NO RIGHT (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

**Source of Water:** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** TIERRA AMARILLA COMMUNITY DITCH

**Location:** X= 1,557,188 feet Y= 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Within the Tierra Amarilla Grant	2.8 acres
Total	2.8 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-003-0039B

**Amount of Water:** NONE

PABLO MARTINEZ

**Subfile No.: CHTA-004-0015**

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** 0430

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water:** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** TIERRA AMARILLA COMMUNITY DITCH

**Location:** X= 1,557,188 feet Y= 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	5.0 acres
Total	5.0 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 4.

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

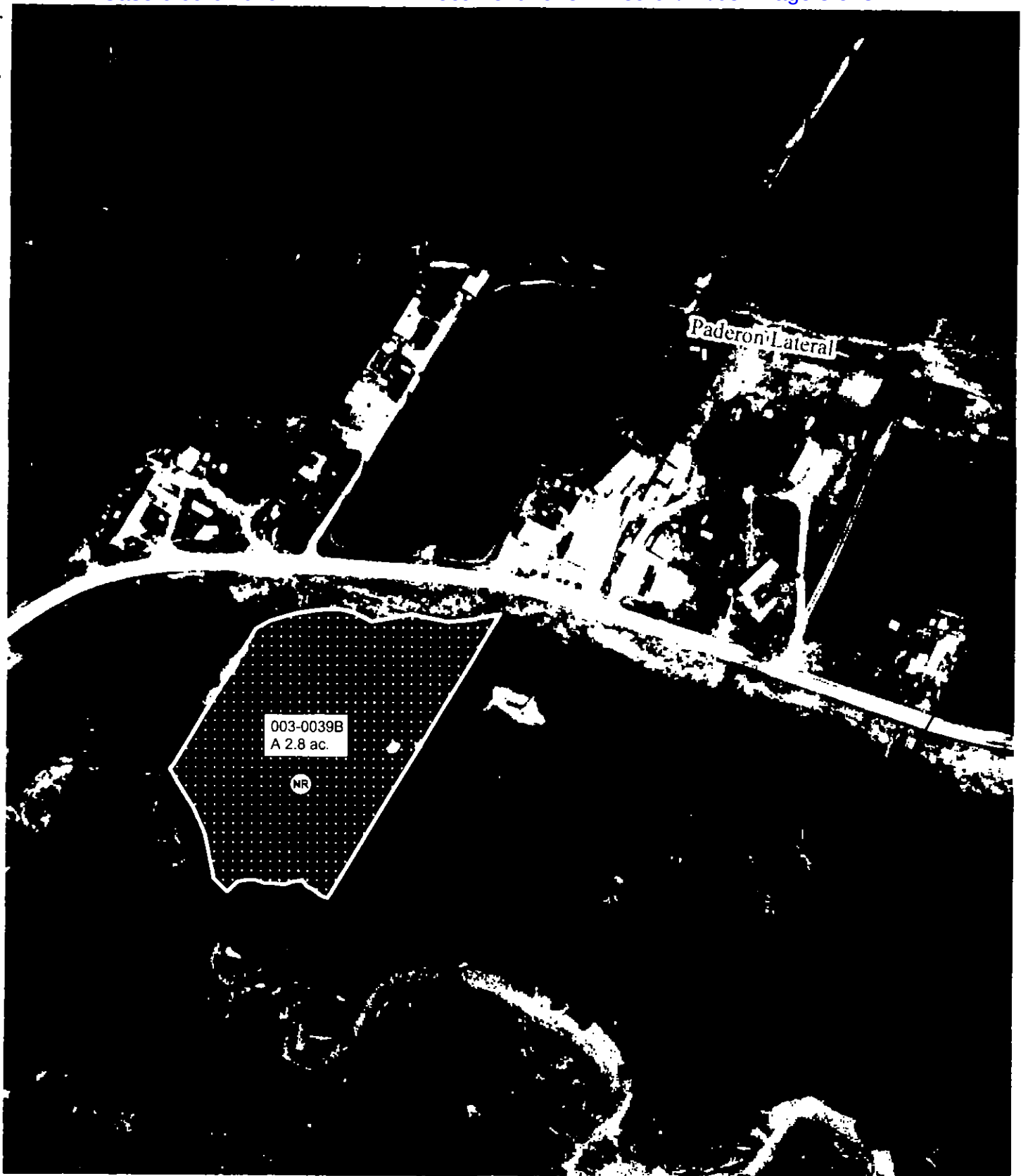
IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

  
BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

  
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SPECIAL MASTER



- LEGEND**
- Irrigated Tract Boundary
  - No Right Tract Boundary
  - Seeped Area
  - Operable Ditch
  - Inoperable Ditch
  - Stock Ponds / Reservoir
  - Point of Diversion
  - Fallow
  - No Right



1 inch = 200 feet



**STATE OF NEW MEXICO**  
**Office of the State Engineer**  
**Thomas C. Turney, State Engineer**

**Rio Chama Hydrographic Survey**  
**Rito de Tierra Amarilla Section**

Subfile Number  
**CHTA- 003- 0039B**  
 Paderon Lateral off the Tierra  
 Amarilla Community Ditch  
 Amended January 28, 2002

